



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Leslie Salem et al.

Serial No.: 10/052,351

Filed: January 23, 2002

For: Emissivity-Independent Silicon Surface
Temperature Measurement

Examiner:

§
§
§
§
§
§
§
§
§
§
§

Group Art Unit:

Attorney
Docket: 2298/5

RECEIVED

MAY 07 2004

TC 1700

Commissioner of Patents and Trademarks
Alexandria, Virginia 22313

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

This is in response to the United States Patent and Trademark Office Action Notice of Abandonment mailed December 10, 2003, in which it was indicated that no reply was filed in response to a Notice to File Missing parts, and as a result thereof, the application was deemed abandoned (copy enclosed).

Applicant never received such Notice to File Missing Parts. In fact, no communication since Jan. 23, 2002, was received from the USPTO in connection with the instant application until receipt of the Notice of Abandonment, other than a self-addressed stamped postcard indicating filing information.

Attached hereto is a Declaration from the Applicant's representative, Bill Polkinghorn, of 9003 Florin Way, Upper Marlboro, Maryland. In his Declaration, Mr. Polkinghorn declares that all the mail he received from the USPTO, which was addressed to the undersigned, was personally packaged by him and forwarded by courier to Dr. Friedman at his Tel Aviv address.

Also attached is the Declaration of the undersigned, Dr. Mark M. Friedman, the attorney of record, in which he declares that he personally opens all the courier packages received from Mr. Bill Polkinghorn, and immediately records on his Hand Docketing Report all actions he receives from the USPTO. He declares, based on the Hand Docketing Report, that no such Notice to File Missing Parts or any other communication is recorded for the

above-identified application. Dr. Friedman further declares that he then enters all actions received into his database, review of which also reveals no action items for this case. The Declaration further shows that Dr. Friedman has reviewed the contents of the file jacket of the above application and it does not contain the Notice to File Missing Parts allegedly mailed by the USPTO on March 20, 2002.

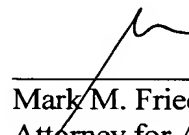
Dr. Friedman declares that his search of the Hand Docketing Report, the database and the file jacket indicates that no Notice to File Missing Parts, or any other USPTO communication was received by him with respect to this application on or after March 20, 2002, other than a self-addressed stamped postcard indicating filing information.

Dr. Friedman includes in his Declaration copies of his Hand Docketing Reports between March 20, 2002 and April 25, 2002. Enclosed also are copies of Dr. Friedman's database extracts, which show all new docket entries. The new docket entries between March 20, 2002 and April 25, 2002, entered in the computerized database, show that no such Notice to File Missing Parts, or any other action, was received by him with respect to this application.

Applicant never received such Notice to File Missing Parts. In fact, no communication was received from the USPTO in connection with the instant application until receipt of the above Notice of Abandonment, other than a self-addressed stamped postcard indicating filing information.

In view of the above, the Notice of Abandonment should be withdrawn and a new Notice to File Missing Parts mailed on the subject patent Application. It is believed that this petition does not require a fee, but if one is required, authorization to charge Deposit Account 06-2140 is hereby granted.

Respectfully submitted,



Mark M. Friedman
Attorney for Applicant
Registration No. 33,883

Date: 26 April, 2004